

HOUSE BILL NO. 430

INTRODUCED BY HARRIS

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4 A BILL FOR AN ACT ENTITLED: "AN ACT SUBSTITUTING A GENERAL MALICIOUS INTIMIDATION OR
5 HARASSMENT CRIME FOR THE CRIME OF MALICIOUS INTIMIDATION OR HARASSMENT BECAUSE OF
6 A PERSON'S RACE, CREED, RELIGION, COLOR, NATIONAL ORIGIN, OR INVOLVEMENT IN CIVIL OR
7 HUMAN RIGHTS ACTIVITIES; ~~INCREASING THE PENALTY FOR THE OFFENSE; REQUIRING A YEARLY~~
8 ~~REPORT BY THE ATTORNEY GENERAL ON OFFENSES CHARGED AND THE CIRCUMSTANCES AND~~
9 ~~DISPOSITION OF EACH CASE; AMENDING SECTION 45-5-221, MCA; AND REPEALING SECTION 45-5-222,~~
10 MCA."
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12 ~~WHEREAS, hate crimes are used to intimidate, terrify, harass, and communicate bigotry; and~~
13 ~~WHEREAS, people have been victims of hate crimes because of their race, creed, ethnic background,~~
14 ~~sexual orientation, gender, political ideology, physical or mental disability, economic status, and occupation; and~~
15 ~~WHEREAS, each person and group of people in Montana have the right to be free from intimidation,~~
16 ~~terror, harassment, and bigotry; and~~
17 ~~WHEREAS, the prosecution of hate crimes should not be burdened with inherent problems of proof; and~~
18 ~~WHEREAS, the penalties for hate crimes should be increased.~~
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20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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22 **Section 1.** Section 45-5-221, MCA, is amended to read:

23 **"45-5-221. Malicious intimidation or harassment relating to civil or human rights -- penalty.** (1)
24 A person commits the offense of malicious intimidation or harassment when, ~~because of another person's race,~~
25 ~~creed, religion, color, national origin, or involvement in civil rights or human rights activities, he~~ the person
26 purposely or knowingly, with the intent to terrify, intimidate, threaten, or harass, ~~annoy, or offend:~~

- 27 (a) causes bodily injury to another;
- 28 (b) causes reasonable apprehension of bodily injury in another; or
- 29 (c) damages, destroys, or defaces any property of another or any public property.

30 ~~(2) For purposes of this section, "deface" includes but is not limited to cross burning or the placing of~~

1 any word or symbol commonly associated with racial, religious, or ethnic identity or activities on the property of
2 another person without his or her permission:

3 ~~(3)~~(2) A person convicted of the offense of malicious intimidation or harassment shall be imprisoned
4 in the state prison for a term not to exceed ~~5~~ 6 5 years or be fined an amount not to exceed ~~\$5,000~~ \$25,000
5 \$5,000, or both.

6 ~~(3) The attorney general shall compile a yearly report of offenses charged under this section, the facts~~
7 ~~and circumstances underlying each charged offense, and the disposition of each case. The report is a public~~
8 ~~document, and copies must be made available to the public."~~

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10 NEW SECTION. Section 2. Repealer. Section 45-5-222, MCA, is repealed.

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